

WEDNESDAY, MARCH 12, 1986

SEVENTY-NINTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Enoch Fuzz, Corinthian Baptist Church, Nashville, Tennessee.

Representative Cobb led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 558, 1201, 1218, 1271, 1349, 1357, 1358, 1373, 1378, 1449, 1905, 1915,

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

1981, 1984; and House Joint Resolutions Nos. 483, 487, 535, 537, 540, 541, 543, 544 and 548; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1199, with his approval.

WILLIAM H. INMAN,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 260, 1022, 1162, 1163, 1383, 1424, 1461, 1472 and 1487; also Senate Joint Resolutions Nos. 263, 264 and 276; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1257, 1621 and 1990; House Resolution No. 115; and House Joint Resolutions Nos. 545, 549 and 550; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 260, 1022, 1162, 1163, 1383, 1424, 1461, 1472 and 1487; Senate Joint Resolutions Nos. 263, 264 and 276; House Bills Nos. 1257, 1621 and 1990; House Joint Resolutions Nos. 545, 549 and 550; and House Resolution No. 115.

CALENDAR

Mr. Tanner moved that House Bill No. 1334 be placed on the Calendar for the last day of this session, which motion prevailed.

House Bill No. 333-To define certain racketeering activities.

Mr. Naifeh moved that House Bill No. 333 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 333 by deleting Sections 1-9 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 1, is amended by adding as a new part Sections 2 through 12 of this Act.

SECTION 2. This Act shall be known and may be cited as "The Racketeer Influenced and Corrupt Organization Act of 1986".

SECTION 3. The general assembly hereby finds and declares that an effective means of punishing and deterring criminal activities of organized crime is through the forfeiture of profits acquired and accumulated as a result of such criminal activities. It is the intent of the general assembly that the Racketeer Influenced and Corrupt Organization (RICO) Act be used by prosecutors to punish and deter only such criminal activities.

It is not the intent of the general assembly that isolated incidents of felony conduct be prosecuted under this act but only an interrelated pattern of criminal activity, the motive or effect of which is to derive pecuniary gain. This shall be construed to further the intent stated herein.

SECTION 4. As used in this chapter, unless the context otherwise requires:

(a) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit an act for financial gain which is a criminal offense involving controlled substances and the amount of controlled substances involved in such offense constitutes a Class X drug offense by the provisions of Tennessee Code Annotated, Section 39-6-417.

(b) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of Tennessee Code Annotated, Title 39, Chapter 6, Part 4, and the amount of controlled substances involved in such violation constitutes a Class X drug offense by the provisions of Tennessee Code Annotated, Section 39-6-417.

(c) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental, as well as other, entities.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one (1) of such incidents occurred after the effective date of this act and that the last of such incidents occurred within two (2) years after a prior incident of racketeering conduct.

(e) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer print-out, other data compilation from which information can be obtained or from which information can be translated into useable form or other tangible item.

(f) "RICO lien notice" means the notice described in Section 8 of this act.

(g) "Investigative agency" means the office of the attorney general and reporter.

(h) "Beneficial interest" means either of the following:

(1) The interest of a person as a beneficiary under any trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

(2) The interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person.

The term "beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general partnership or a limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located.

(i) "Real property" means any real property situated in this state or any interest in such real property,

including, but not limited to, any lease of or mortgage upon such real property.

(j) "Trustee" means any of the following:

(1) Any person who holds legal or record title to real property in which any other person has a beneficial interest;

(2) Any successor trustee to one of the foregoing persons. Provided, however, the term "trustee" does not include any person serving as a fiduciary appointed by a court to administer an estate or acting as a trustee of any testamentary or as a trustee of any indenture of trust under which any bonds have been or are to be issued.

SECTION 5. (a) It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(b) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

(c) It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.

(d) It is unlawful for any person to conspire or endeavor to violate any of the provisions of subsections (a), (b), or (c).

SECTION 6. (a) Any person convicted of engaging in activity in violation of the provisions of this act shall be guilty of a felony and, upon conviction, shall be fined not more than twenty-five thousand dollars (\$25,000) or sentenced to imprisonment from within Range II of the most serious predicate offense committed, or both.

(b) In lieu of a fine otherwise authorized by law, any person convicted of engaging in conduct in violation of the provisions of this act, through which he derived pecuniary value, or by which he caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three (3) times the gross value gained or three (3) times the gross

loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.

(c) The court shall hold a hearing to determine the amount of the fine authorized by subsection (b).

(d) For the purposes of subsection (b), "pecuniary value" means:

(1) Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; or

(2) Any other property or service that has a value in excess of two hundred dollars (\$200).

SECTION 7. (a) Any court of record may, after making due provision for the rights of all persons, in compliance with the Tennessee Rules of Civil Procedure, enjoin violations of the provisions of this act by issuing appropriate orders and judgments, including, but not limited to:

(1) Ordering any defendant to divest himself of any interest in any enterprise, including real property.

(2) Imposing reasonable restrictions upon the future activities or investments of any defendant, including but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this act.

(3) Ordering the dissolution or reorganization of any enterprise.

(4) Ordering the suspension or revocation of a license, permit, or prior approval granted to any enterprise by any agency of the state.

(5) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of this act and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.

(b) All property, real or personal, including money, used in the course of, intended for use in the course of, derived

from, or realized through, conduct in violation of a provision of this act is subject to civil forfeiture to the state. The state shall dispose of all forfeited property as soon as commercially feasible subject to the lawful claim of any creditor. If such property is not exercisable or transferable for value by the state, it shall expire. All forfeitures or dispositions under this section shall be made with due provision for the rights of all persons. The proceeds realized from such forfeiture and disposition shall be promptly deposited in the treasury of the state and immediately credited to the general fund of the state.

(c) Property subject to forfeiture under this section may be seized by a law enforcement officer upon court process. Seizure without process may be made if:

(1) The seizure is incident to a lawful arrest or search or an inspection under an administrative inspection warrant.

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(d) If a seizure occurs under subsection (c), a forfeiture proceeding shall be instituted promptly. Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the law enforcement officer making the seizure, subject only to the order of the court. When property is seized under this section, pending forfeiture and final disposition, the law enforcement officer may:

(1) Place the property under seal.

(2) Remove the property to a place designated by the court.

(3) Require another agency authorized by law to take custody of the property and remove it to an appropriate location.

(e) The office of the attorney general and reporter shall institute all civil proceedings and RICO lien notices under this act. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the court may at any time enter such injunctions, prohibitions, or restraining orders, or take such actions, including the acceptance of satisfactory performance funds, as the court may deem proper.

(f) In a civil proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of special or irreparable damage to

the person shall have to be made. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of significant loss or damage, a temporary restraining order and a preliminary injunction may be issued in any such action before a final determination on the merits.

(g) A final judgment or decree rendered in favor of the state in any criminal proceeding under this act shall estop the defendant in any subsequent civil action or proceeding as to all matters as to which such judgment or decree would be an estoppel as between the parties.

(h) Notwithstanding any other provision of law, a criminal or civil action or proceeding under this act may be commenced at any time within five (5) years after the conduct in violation of the provisions of this act terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent, or restrain any violation of the provisions of this act, the running of the period of limitations prescribed by this section with respect to any cause of action arising under subsection (f) which is based in whole or in part upon any matter complained of in any such prosecution, action, or proceeding shall be suspended during the pendency of such prosecution, action, or proceeding and for two (2) years following its termination.

(i) The application of one (1) civil remedy under any provision of this act shall not preclude the application of any other remedy, civil or criminal, under this act or any other provision of law. Civil remedies under this act are supplemental, and not mutually exclusive.

SECTION 8. (a) Upon the institution of any civil proceeding, the investigative agency, then or at any time during the pendency of the proceeding, may file a RICO lien notice in the official records of any one (1) or more counties. No filing fee or other charge shall be required as a condition for filing the RICO lien notice, and the clerk of the court shall, upon the presentation of a RICO lien notice, immediately record it in the official records.

(b) The RICO lien notice shall be signed by the attorney general and reporter or his designee. The notice shall be in such form as the attorney general and reporter prescribes and shall set forth the following information:

(1) The name of the person against whom the civil proceeding has been brought. In its discretion, the investigative agency may also name in the RICO lien notice any other aliases, names, or fictitious names under which the person may be known and any corporation, partnership, or

other entity that is either controlled or entirely owned by the person.

(2) If known to the investigative agency, the present residence and business addresses of the person named in the RICO lien notice and of the other names set forth in the RICO lien notice.

(3) A reference to the civil proceeding, stating: that a proceeding under the Tennessee RICO Act has been brought against the person named in the RICO lien notice; the name of the county or counties in which the proceeding has been brought; and if known to the investigative agency at the time of filing the RICO lien notice, the case number of the proceeding.

(4) A statement that the notice is being filed pursuant to the Tennessee RICO Act.

(5) The name and address of the investigative agency filing the RICO lien notice and the name of the individual signing the RICO notice. A RICO lien notice shall apply only to one (1) person and, to the extent applicable, any other aliases, names or fictitious names, including names of corporations, partnerships, or other entities, to the extent permitted in paragraph (a). A separate RICO lien notice shall be filed for each person against whom the investigative agency desires to file a RICO lien notice under this section.

(c) The investigative agency shall, as soon as practicable after the filing of each RICO lien notice, furnish to the person named in the notice either a copy of the recorded notice or a copy of the notice with a notation thereon of the county or counties in which the notice has been recorded. The failure of the investigative agency to furnish a copy of the notice under this subsection shall not invalidate or otherwise affect the notice.

(d) The filing of a RICO lien notice creates, from the time of its filing, a lien in favor of the state on the following property of the person named in the notice and against any other names set forth in the notice:

(1) Any real property situated in the county where the notice is filed then or thereafter owned by the person or under any of the names; and

(2) Any beneficial interest situated in the county where the notice is filed then or thereafter owned by the person or under any of the names.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

The lien shall commence and attach as of the time of filing of the RICO lien notice and shall continue thereafter until expiration, termination, or release of the notice pursuant to Section 9. The lien created in favor of the state shall be superior and prior to the interest of any other person in the real property or beneficial interest if the interest is acquired subsequent to the filing of the notice.

(e) In conjunction with any civil proceeding:

(1) The investigative agency may file without prior court order in any county a lis pendens; in such case, any person acquiring an interest in the subject real property or beneficial interest, if the real property or beneficial interest is acquired subsequent to the filing of lis pendens, shall take the interest subject to the civil proceeding any subsequent judgment of forfeiture.

(2) If a RICO lien notice has been filed, the investigative agency may name as a defendant, in addition to the person named in the notice, any person acquiring an interest in the real property or beneficial interest subsequent to the filing of the notice. If a judgement of forfeiture is entered in the proceeding in favor of the state, the interest of any person in the property that was acquired subsequent to the filing of the notice shall be subject to the notice and judgement of forfeiture.

(f) A trustee who acquires actual knowledge that a RICO lien notice or a civil proceeding or criminal proceeding has been filed against any person for whom he holds legal or record title to real property shall immediately furnish to the investigative agency the following:

(1) The name and address of the person, as known to the trustee.

(2) The name and address, as known to the trustee, of each other person for whose benefit the trustee holds title to the real property.

(3) If requested by the investigative agency, a copy of the trust agreement or other instrument pursuant to which the trustee holds legal or record title to the real property.

Any trustee who fails to comply with the provisions of this subsection is guilty of a misdemeanor.

(g) Any trustee who conveys title to real property for which, at the time of the conveyance, a RICO lien notice naming a person who, to the actual knowledge of the trustee, holds a beneficial interest in the trust has been filed in the county

where the real property is situated is liable to the state for the greatest of:

(1) The amount of proceeds received directly by the person named in the RICO lien notice as a result of the conveyance;

(2) The amount of proceeds received by the trustee as a result of the conveyance and distributed to the person named in the RICO lien notice; or

(3) The fair market value of the interest of the person named in the RICO lien notice in the real property so conveyed; however, if the trustee conveys the real property and holds the proceeds that would otherwise be paid or distributed to the beneficiary or at the direction of the beneficiary or his designee, the trustee's liability shall not exceed the amount of the proceeds so held for so long as the proceeds are held by the trustee.

(h) The filing of a RICO lien notice shall not constitute a lien on the record title to real property as owned by the trustee except to the extent that the trustee is named in the RICO lien notice. The investigative agency may bring a civil proceeding in any court of record against the trustee to recover from the trustee the amount set forth in subsection (g), and the state shall also be entitled to recover investigative costs and attorney's fees incurred by the investigative agency.

(i) The filing of a RICO lien notice shall not affect the use to which real property or a beneficial interest owned by the person named in the RICO lien notice may be put or the right of the person to receive any rents, or other proceeds resulting from the use and ownership, but not the sale, of the property until a judgment of forfeiture is entered.

(j) (1) The provisions of this section shall not apply to any conveyance by a trustee pursuant to a court order, unless such court order is entered in an action between the trustee and beneficiary.

(2) Unless the trustee has actual knowledge that a person owning a beneficial interest in the trust is named in a RICO lien notice or is otherwise a defendant in a civil proceeding, the provisions of this section shall not apply to:

(A) Any conveyance by the trustee required under the terms of the trust agreement, which trust agreement is a matter of public record prior to the filing of the RICO lien notice; or

(B) Any conveyance by the trustee to all of the persons who own beneficial interests in the trust.

SECTION 9. (a) The term of a RICO lien notice shall be for a period of six (6) years from the date of filing, unless a renewal RICO lien notice has been filed by the investigative agency; in such case, the term of the renewal RICO lien notice shall be for a period of six (6) years from the date of its filing. The investigative agency shall be entitled to only one (1) renewal of the RICO lien notice.

(b) The investigative agency filing a RICO lien notice may release in whole or in part the RICO lien notice or may release any specific real property or beneficial interest from the RICO lien notice upon such terms and conditions as it may determine. A release of a RICO lien notice executed by the investigative agency may be filed in the official records of any county. No charge or fee shall be imposed for the filing of a release of a RICO lien notice.

(c) If no civil proceeding has been instituted by the investigative agency seeking a forfeiture of any property owned by the person named in the RICO lien notice, the acquittal in the criminal proceeding of the person named in the RICO lien notice or the dismissal of the criminal proceeding shall terminate the RICO lien notice and, in such case, the filing of the RICO lien notice shall have no effect. If a civil proceeding has been instituted and if the criminal proceeding has been dismissed or the person named in the RICO lien notice has been acquitted in the criminal proceeding, the RICO lien notice shall continue for the duration of the civil proceeding.

(d) If no civil proceeding is then pending against the person named in a RICO lien notice, the person named in the RICO lien notice may institute an action in the county where the notice has been filed against the investigative agency that filed the notice seeking a release or extinguishment of the notice. In such case:

(1) The court shall, upon the motion of such person, immediately enter an order setting a date for hearing, which date shall be not less than five (5) nor more than ten (10) days after the suit has been filed, and the order along with a copy of the complaint shall be served on the investigative agency within three (3) days after the institution of the suit. At the hearing, the court shall take evidence on the issue of whether any real property or beneficial interest owned by such person is covered by the RICO lien notice or is otherwise subject to forfeiture under the Tennessee RICO Act; if such person shows by a preponderance of the evidence that the RICO lien notice is not applicable to him or that any real property or beneficial interest owned by him is not subject to forfeiture under the Tennessee RICO Act, the

court shall enter a judgment extinguishing the RICO lien notice or releasing the real property or beneficial interest from the RICO lien notice.

(2) The court shall immediately enter its order releasing from the RICO lien notice any specific real property or beneficial interest if a sale of such real property or beneficial interest is pending and the filing of the notice prevents the sale of the property or interest; provided, however, the proceeds resulting from the sale of such real property or beneficial interest shall be deposited to the credit of the clerk of the court, subject to the further order of the court.

(3) At the hearing set forth in paragraph (1), the court may release any real property or beneficial interest from the RICO lien notice, upon the posting by such person of such security as is equal to the value of the real property or beneficial interest owned by such person.

(e) If a civil proceeding is pending against a person named in a RICO lien notice, the court upon motion by such person may grant the relief set forth herein.

SECTION 10. (a) If, pursuant to the civil enforcement provisions of this act, the investigative agency has reason to believe that a person or other enterprise has engaged in, or is engaging in, activity in violation of this act, the investigative agency may administer oaths or affirmations, subpoena witnesses or material, and collect evidence pursuant to the Tennessee Rules of Civil Procedure.

(b) If matter that the investigative agency seeks to obtain by the subpoena is located outside the state, the person or enterprise subpoenaed may make such matter available to the investigative agency or its representative for examination at the place where such matter is located. The investigative agency may designate representatives, including officials of the jurisdiction in which the matter is located, to inspect the matter on its behalf and may respond to similar requests from officials of other jurisdictions.

(c) Upon failure of a person or enterprise without lawful excuse, to obey a subpoena, and after reasonable notice to such person or enterprise, the investigative agency may apply to the circuit court for the judicial district in which such person or enterprise resides, is found, or transacts business for an order compelling compliance.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect on July 1, 1986, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 333 by adding the following new subsection (e) to Section 5:

(e) Multiple and alternative violations of this section shall be alleged in multiple separate counts with the factual basis for the alleged predicate acts set forth therein in each count. A defendant may only be convicted of either one (1) criminal violation of this section, including a conviction for conspiring to violate this section, or for one (1) or more of the predicate acts, but not both. The state shall not be required to elect submission to the jury of the several counts.

On motion, the amendment was adopted.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 333 by deleting from the second sentence of Section 9(d)(1) the words "if such person shows by a preponderance of the evidence that the RICO lien notice is not applicable to him or that any personal or real property or beneficial interest owned by him is not subject to forfeiture under the Tennessee RICO Act" and substituting instead the words "unless the investigative agency shows probable cause that the RICO lien notice is applicable to him or that any personal or real property or beneficial interest owned by him is subject to forfeiture under the Tennessee RICO Act".

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 333 by inserting the following between first and second sentence of the second paragraph of Section 3:

Nor it is the intent of the general assembly that employers or owners of businesses or corporations that are licensed to dispense controlled substances in this state be subject to the provisions of this act because of violations of this act

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

committed by employees of such businesses or corporations if such employer or owner did not know or have reason to know of such violations.

On motion, the amendment was adopted.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 333 by adding as a new Section 11 and by renumbering succeeding sections accordingly:

(a) Any creditor or innocent person who has an interest in any real or personal property which is the subject of any civil suit filed by the investigative agency shall have the right to intervene in such civil suit.

(b)(1) If there is no civil suit pending, any creditor or innocent person who has an interest in any real or personal property which is the subject of any RICO lien notice may apply to the investigative agency for a release of such property. The investigative agency shall within thirty (30) days of such application either release such property or deny such application. If the investigative agency denies the application for release, the agency shall hold a contested case hearing before an administrative judge, within thirty (30) days of the denial, pursuant to the Tennessee Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

(2) Upon application for release or hearing pursuant to this section, the real or personal property or portion thereof in which a creditor or innocent person has an interest shall be released upon a finding that such creditor or innocent person is not a participant with the defendant in the racketeering activity nor had actual knowledge of such activity prior to the filing of a RICO lien notice.

(c) The remedies provided to creditors and innocent persons in this section shall be in addition to any other rights or remedies provided by this act or by law.

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 333 by deleting the final sentence of Section 7 (b) and substituting instead the following:

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

The proceeds realized from such forfeiture and disposition shall be promptly deposited in the criminal injuries compensation fund established by Tennessee Code Annotated, Section 40-24-107.

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 333 by inserting between the word "real" and the word "property" in Section 5 (a) and Section 5 (b) the words "or personal".

FURTHER AMEND by inserting between the words "enterprise to" and the words "conduct or" in Section 5 (c) the word "knowingly".

FURTHER AMEND by adding the following new subsection to Section 7:

() The testimony of a defendant in a civil proceeding instituted pursuant to this section may not be used against such defendant in a RICO criminal proceeding if both such proceedings are based on the same acts.

FURTHER AMEND by adding the following to the end of Section 9 (d) (1):

No testimony given during a hearing conducted pursuant to this subsection by a person attempting to have a RICO lien filed against him or her released or extinguished may be used against such person in a RICO criminal proceeding if the filing of the lien and the criminal proceeding are based on the same acts.

On motion, the amendment was adopted.

Mr. Brewer moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 333 by deleting Section 11 of the bill, as amended, which section is the severability clause.

Mr. Burnett moved that Amendment No. 8 be tabled, which motion prevailed.

Mr. Drew moved to amend as follows:

AMENDMENT NO. 9

Amend House Bill No. 333 by adding to Section 4, as amended, at the end of the section the following:

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

or is a criminal offense which is a violation of Tennessee Code Annotated, Title 39, Chapter 6, Part 11, relative to obscenity.

Mr. Naifeh moved that Amendment No. 9 be tabled which motion prevailed.

Mr. Bivens moved the previous question, which motion prevailed by the following vote:

Ayes	86
Noes	7
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, King, Kisber, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Work and Yelton--86.

Representatives voting no were: Crain, DeBerry, Kernell, Moody, Turner, C. (Shelby), Wolfe and Wood--7.

Representative present and not voting was: Henry--1.

Thereupon, House Bill No. 333, as amended, passed its third and final consideration by the following vote:

Ayes	98
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb,

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Representative present and not voting was: Shirley--1.

A motion to reconsider was tabled.

House Bill No. 1345--To authorize transfer of equipment to local education agency.

Mr. Tankersley moved that House Bill No. 1345 be passed on third and final consideration.

Mr. Work moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1345 in amendatory subsection (d) of Section 1 by adding after the words "is hereby transferred" the words "upon request".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1345, as amended, passed its third and final consideration by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--99.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 1709--To provide for disposition, certain confiscated firearms.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

On motion, House Bill No. 1709 was made to conform with Senate Bill No. 1389.

On motion, Senate Bill No. 1389, on same subject, was substituted for House Bill No. 1709.

Mr. McAfee moved that Senate Bill No. 1389 be passed on third and final consideration.

Mr. McAfee moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1389 by deleting from the first sentence of the amendatory language of Section 1(a) the words "commissioner of the department of safety" and substituting instead the words "director of the Tennessee Bureau of Investigation".

FURTHER AMEND by deleting from the second sentence of the amendatory language of Section 1(a) the word "commissioner" and substituting instead the word "director".

FURTHER AMEND by deleting from the amendatory language of Section 1(b) the word "commissioner" and substituting instead the word "director".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1389, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Mr. McAfee moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 591 out of order, which motion prevailed.

House Joint Resolution No. 591--Relative to honoring Linn Yann, spelling accomplishments--By McAfee, Starnes, Wood, Copeland, Robinson (Hamilton) and Turner (Hamilton).

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. McAfee moved that House Joint Resolution No. 591 be adopted, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1510--To better protect forest lands from fire.

Mr. McAfee moved that House Bill No. 1510 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1510 in Section 4 (a) by deleting the semicolon at the end of subsection (a) and adding the following:

and by substituting the words "be guilty of a misdemeanor";

On motion, the amendment was adopted.

Thereupon, House Bill No. 1510, as amended, passed its third and final consideration by the following vote:

Ayes 91
Noes 0

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

House Bill No. 1511--To clarify responsibilities, Division of Forestry.

Mr. McAfee moved that House Bill No. 1511 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1511 in Section 1 by deleting the following:

11-4-101,

AND FURTHER AMEND in Section 6 by adding a new subdivision, as follows:

(r) By deleting the words "adequate fire protection" in subsection (h)(1) and substituting the words "adequate protection".

AND FURTHER AMEND in Section 8(c)(1) by deleting the word "enforce" and substituting the word "laws".

AND FURTHER AMEND in Section 8(f) by deleting the words "long range comprehensive plans" and substituting the words "comprehensive long range plans".

AND FURTHER AMEND in Section 15 by deleting the section in its entirety and substituting instead the following:

Section 15. Sections 16 through 22 are designated as "Forest Protection".

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

AND FURTHER AMEND in Section 16 by deleting the reference "Section 11-4-501" and substituting the reference "Section 11-4-405".

AND FURTHER AMEND in Section 17(a) by deleting the reference "Section 11-4-502" and substituting the reference "Section 11-4-406".

AND FURTHER AMEND in Section 17(b) by deleting subsection (b) in its entirety and substituting the following:

(b) By deleting the words "forestry division of the department of conservation" and substituting instead the word "division".

AND FURTHER AMEND in Section 18 by deleting the reference "Section 11-4-503" and substituting the reference "Section 11-4-407".

AND FURTHER AMEND in Section 18 by adding at the end of the amendatory language the following:

The county legislative bodies are authorized to appropriate and pay out of the funds under their control, such amounts as may be deemed necessary, to carry out the provisions hereof.

AND FURTHER AMEND in Section 19 by deleting the reference "Section 11-4-504" and substituting the reference "Section 11-4-408".

AND FURTHER AMEND in Section 20(a) by deleting the reference "Section 11-4-505" and substituting the reference "Section 11-4-409".

AND FURTHER AMEND in Section 21 by deleting the reference "Section 11-4-506" and substituting the reference "Section 11-4-410".

AND FURTHER AMEND in Section 22 by deleting the reference "Section 11-4-507" and substituting the reference "Section 11-4-411".

AND FURTHER AMEND in Section 35 by adding a new item (9) to the amendatory language as follows:

(9) Management of trees in urban areas

AND FURTHER AMEND by designating Section 49 to be Section 50 and adding a new Section 49, as follows:

Section 49. The Tennessee Code Commission, acting under the provisions of Section 1-1-108, is hereby authorized to rearrange, renumber, and redesignate the provisions of this act for the most efficient and effective organization of Title 11, Chapter 4.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1511, as amended, passed its third and final consideration by the following vote:

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Ayes 96
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frenslley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1820--To lengthen period, enforcing judgement liens, real property.

Mr. Swann moved that House Bill No. 1820 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1820 by deleting from the amendatory language of Section 1 the words "and the land sold within the period of time allowed or enforcement of consensual liens on real property under Tennessee Code Annotated, Section 28-2-111, as amended from time to time," and substituting instead the words "within three years".

On motion, the amendment was adopted.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1820 by adding as a new Section 2., the following and by renumbering succeeding Sections accordingly:

SECTION 2. Tennessee Code Annotated, Section 25-5-106, is amended by deleting in its entirety and by substituting instead the following:

If an appeal is taken from any judgement for which the lien provided by the chapter would apply, the time for sale provided in Section 25-5-105 shall commence upon the final determination of such case.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1820, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 1368--To make certain provisions, securities.

On motion, House Bill No. 1368 was made to conform with Senate Bill No. 1457.

On motion, Senate Bill No. 1457, on same subject, was substituted for House Bill No. 1368.

Mr. Swann moved that Senate Bill No. 1457 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

A motion to reconsider was tabled.

House Bill No. 1825--To amend Title 39, Chapter 2, Part 2, Code.

On motion, House Bill No. 1825 was made to conform with Senate Bill No. 1644.

On motion, Senate Bill No. 1644, on same subject, was substituted for House Bill No. 1825.

Mr. Ussery moved that Senate Bill No. 1644 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representatives voting no were: Drew, Moody and Scruggs--3.

A motion to reconsider was tabled.

House Bill No. 1904--To provide transferability of irrevocable trust funds.

Mr. Garrett moved that House Bill No. 1904 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1904 by deleting from SECTION 1 all amendatory language between the quotation marks and substituting the following:

THE TRUST ACCOUNT ESTABLISHED BY THIS CONTRACT IS IRREVOCABLE, AND THE FUNDS PAID HEREUNDER ARE NOT REFUNDABLE. ACCUMULATED TRUST PRINCIPAL AND INTEREST ARE FREELY TRANSFERABLE TO SATISFY OR DEFRAY FUNERAL

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

EXPENSES AT ANY LICENSED FUNERAL ESTABLISHMENT AS PROVIDED BY LAW.

On motion, the amendment was adopted.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1904 by renumbering SECTION 2 as SECTION 3 and adding the following new SECTION 2:

SECTION 2. Tennessee Code Annotated, Section 62-5-403, is further amended by adding the following new subsection:

(c) Nothing in this section shall be construed to deprive the parties to the agreement, contract, or plan of any available legal remedies for a breach thereof; provided, however, that the liability of the purchaser for such breach shall be limited to ten percent (10%) of the earnings and/or interest on the trust account as of the date of the breach.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1904, as amended, passed its third and final consideration by the following vote:

Ayes	79
Noes	14

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McNally, Miller, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Stafford, Stallings, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--79.

Representatives voting no were: Chiles, Davis (Knox), DeBerry, Harrill, Hawkins, Hurley, Jones, May, McCroskey, Montgomery, Peroulas, Scruggs, Severance and Turner, L. (Shelby)--14.

A motion to reconsider was tabled.

Mr. Garrett moved that House Bill No. 1903 be placed on the Calendar for Wednesday, March 19, 1986, which motion prevailed.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

House Bill No. 1842--To make certain provisions, access to safe deposit boxes.

Mr. Shirley moved that House Bill No. 1842 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1842 by deleting the amendatory language in Section 1 and substituting instead the following:

() (1) notwithstanding the provisions of this section except as provided in subsection (2), the requirements of this section shall not apply to lessees who have signed the lease or rental contract with the lessor under a contract granting equal right of access either jointly or severally to or use of the safe deposit box at any and all times during the business hours of such lessor.

(2) If it is determined that the safe deposit box contains a written instrument purporting to be the last will and testament of a deceased lessee, then the instrument shall be delivered to the lessor who shall perform the acts required by Section 45-2-905(b)(3)(B); or if it is determined that the safe deposit box contains more than one hundred thousand dollars (\$100,000) in cash, then such cash shall be inventoried and a copy of the inventory shall be mailed to those persons specified in Section 45-2-905(b)(3).

Mr. Buck moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 to Amendment No. 1 by striking the last sentence of Section 2 in its entirety and substituting the following;

An official of the bank shall inventory the box and shall file the same with the clerk of the court.

Mr. Shirley moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	11
Noes	70

Representatives voting aye were: Byrd, Dills, Hassell, Love, Moore, Murray, Nance, Rhinehart, Shirley, Turner, L. (Shelby) and Wood--11.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Representatives voting no were: Bell, Bewley, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Sumner), Cobb, Collier, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Gill, Harrill, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, King, Kisber, Lawson, May, McCroskey, McNally, Miller, Montgomery, Moody, Napier, Patterson, Peroulas, Pruitt, Ridgeway, Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Work and Yelton --70.

Mr. Shirley moved that House Bill No. 1842 be placed on the Calendar for Monday, March 17, 1986, which motion prevailed.

House Bill No. 1799--To make certain provisions, rivers, lakes and streams.

Mr. Gill moved that House Bill No. 1799 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1799 by adding the following sentence to subsection (a) of Section 1:

The navigability of any river, lake, stream or watercourse shall be limited to those adjudicated and held to be navigable in the technical or legal sense pursuant to Tennessee Code Annotated 69-1-101 et. seq. Further any river, lake, stream or watercourse subject to the Rivers and Harbors Act, 33 U.S.C., Section 401 et. seq. shall be exempt from the permit requirements of this state Act.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1799, as amended, passed its third and final consideration by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt,

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

House Bill No. 1798--To make certain provisions, Reelfoot Lake.

Mr. Gill moved that House Bill No. 1798 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1798 by inserting the following language as a new section immediately preceding the effective date section and by appropriately redesignating such effective date section:

SECTION _____. At the close of each fiscal year, the fiscal review committee, created by Tennessee Code Annotated, Section 3-7-101, shall examine the expenditure of all state appropriated funds utilized during such fiscal year by any entity or agent of state or local government for the purpose of preserving, protecting, or enhancing Reelfoot Lake or its fish, waterfowl, and wildlife populations and habitats.

On motion, the amendment was adopted.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1798 by deleting the language of Sections 1 and 2 of the bill as originally printed and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 5, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, unless the context clearly requires otherwise:

(1) "Entity of State or Local Government" shall mean each department, commission, board, agency, council, utility district, drainage district, levee district, or other governmental unit or body created constitutionally or by enactment or action of state

government, local government, or any subdivision of state or local government;

(2) "Person" shall mean any individual, partnership, firm, corporation, or association;

(3) "Project" shall mean any activity, operation, construction, building, structure, facility, or installation from which there is or may be the discharge of water; and

(4) "Water" shall mean any and all water, public or private, on or beneath the surface of the ground, which is contained within, flows through, or borders upon the watershed of Reelfoot Lake or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface, subsurface, or underground waters.

(b) Notwithstanding the provisions of any law or regulation to the contrary, without the prior written approval of the executive director of the Tennessee wildlife resources agency, or his designee, no official, employee, or agent of any entity of state or local government, nor any other person, shall authorize, undertake, or engage in any activity, practice, or project which has or is likely to have the effect of diverting surface or subsurface water which would otherwise flow into Reelfoot Lake. Furthermore, without such prior written approval, no such official, employee, or agent, nor any other person, shall authorize, undertake, or engage in any activity, practice, or project which has or is likely to have the effect of draining or otherwise removing water from Reelfoot Lake. The executive director shall promulgate rules, in accordance with the provisions of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, which establish procedures for obtaining such approval and which delineate the circumstances and conditions, if any, under which such diversion, drainage, or removal may be permitted without detrimental impact upon the management, protection, preservation, or enhancement of Reelfoot Lake or its fish, waterfowl, and wildlife populations and habitats.

(c) Each violation of the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Any violation which continues into a successive day shall be regarded as separate offenses.

SECTION 2. T.C.A., Title 70, Chapter 5, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, unless the context clearly requires otherwise:

(1) "Free" shall mean the flow of water not under control; able to move in any direction; and not held or confined by an artificial gate or structure;

(2) "Lake" shall mean a standing body of open water that occurs in a natural depression fed by one or more streams from which a stream may flow, that occurs due to the widening or natural blockage or cutoff of a river or stream, or that occurs in an isolated natural depression that is not a part of a surface river or stream. The term also includes a standing body of open water created by artificially blocking or restricting the flow of a river or stream.

(3) "Natural Ordinary High Water Mark" shall mean the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; trees; shelving; changes in the character of the soil; destruction of terrestrial vegetation; the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(4) "Natural Ordinary Low Water Mark" shall mean the line which constitutes the usual and common or ordinary stage of the river or lake, when the volume of water is not increased by rains or freshet, nor diminished below such usual stage or volume by long continued drought to extreme low water mark.

(5) "Navigable" shall mean capable, in the ordinary stage of the water, of navigation ascending and descending, by such vessels as are employed in the ordinary purposes of commerce, whether foreign or inland, and whether stream or sail vessels.

(b) Notwithstanding the provisions of this section or any law or regulation to the contrary, as first established by the Reelfoot Lake Commission of 1925, it is hereby declared that the natural water levels of the navigable stream Reelfoot Lake are as follows:

(1) The natural ordinary low water mark is two hundred eighty-two and four-tenths feet (282.4') mean sea level which is also the top of the twenty (20) floodgates at the Reelfoot Lake Spillway Dam;

(2) The natural full pool level is two hundred eighty-three and six-tenths feet (283.6') mean sea level;

(3) The natural ordinary high water mark is two hundred eighty-five feet (285') mean sea level.

(c) Notwithstanding the provisions of any law or regulation to the contrary, there is hereby established the water level management plan for Reelfoot Lake. The waters of Reelfoot Lake shall flow free or naturally across the top of the twenty (20) stoplog gates or floodgates at the Reelfoot Lake Spillway Dam until the lake reaches an elevation of two hundred eighty-three and six-tenths feet (283.6') mean sea level. Once the lake exceeds such natural full pool level, the twenty (20) stoplog gates or floodgates at the Reelfoot Lake Spillway Dam shall be opened to bring the lake back to its natural full pool level of two hundred eighty-three and six-tenths feet (283.6') mean sea level. In bringing the lake back to its natural full pool level, the Reelfoot Lake Barr Fishway (Radial Water Control Spillway) may also be used.

(d) The water management plan established in subsection (c) shall remain in effect until a fifty (50) year comprehensive management plan for Reelfoot Lake is developed by the executive director of the Tennessee wildlife resources agency and until enactment of such legislation as shall be necessary to implement such management plan.

SECTION 3. For the purpose of promulgating such rules as may be required by the provisions of Section 1, this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, Section 1 shall take effect July 1, 1986. The remaining provisions of this act shall take effect on becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1798, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frenley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee,

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 1555--To make certain provision, trespassing on public property.

Mr. Turner, C. (Shelby) moved that House Bill No. 1555 be passed on third and final consideration.

Mr. Turner, C. (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1555 by deleting from the amendatory language of subsection (a) of SECTION 1 the word "public".

On motion, the amendment was adopted.

Mr. Turner, C. (Shelby) moved that House Bill No. 1555 be placed on the Calendar for Monday, March 17, 1986, which motion prevailed.

House Bill No. 1554--To delete certain requirement, misdemeanor citations.

Mr. Turner, C. (Shelby) moved that House Bill No. 1554 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	4
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery,

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Webb, West, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

Representatives voting no were: Davidson, Jared, Moody and Wheeler--4.

Representative present and not voting was: DeBerry--1.

A motion to reconsider was tabled.

House Bill No. 1327--To expand medical assistance program.

Mr. Brewer moved that House Bill No. 1327 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1327 by deleting the present content of Section 1, 2 and 3 in their entireties and substituting instead:

SECTION 1. Tennessee Code Annotated Section 14-23-106, pertaining to the determination of eligibility for medical assistance, shall be amended by adding the following sentence to subsection (a) thereof:

Eligibility for assistance shall be determined in a manner which will ensure that medical assistance is provided, within the limits of available resource subject to federal financial participation, to all persons who, although ineligible for supplementary security income for AID to Families with Dependent Children, are medically needy.

AND FURTHER AMEND by redesignating Section 4 as Section 2.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1327, as amended, passed its third and final consideration by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt,

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

Mr. Davis (Gibson) moved that House Bill No. 1995 be placed on the Calendar for Monday, March 17, 1986, which motion prevailed.

Mr. Yelton moved that House Bill No. 1662 be placed on the Calendar for Wednesday, March 19, 1986, which motion prevailed.

House Bill No. 1403--To increase expenses, state employees insurance.

Mr. Stallings moved that House Bill No. 1403 be passed on third and final consideration.

Mr. Clark (Sumner) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1403 in Section 2 by deleting the word "There" and substituting instead the following:

Subject to the approval of the commissioner of finance and administration, there

On motion, the amendment was adopted.

Mr. Stallings moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1403 by deleting SECTIONS 1 and 2 of the bill in their entireties and by substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, is amended by adding the following language as a new section to be appropriately designated:

All late applicant requirements of the state group insurance program, established pursuant to section 8-27-201, shall be waived in cases where a state employee loses insurance coverage through their spouse's employer due to the death, divorce or non-voluntary loss of employment by the spouse. As used in this section, state employee shall include eligible dependents of a state employee. To qualify for

this waiver, the state employee must show the state insurance committee through submission of reasonable information acceptable to the committee:

- (1) that the state employee was covered under the spouse's insurance plan at the time of the spouse's death, divorce or loss of employment; and
- (2) that the state employee may not continue coverage under that employer's group insurance plan; and
- (3) the date of the spouse's death as evidenced by a death certificate; or the date of divorce as evidenced by the final divorce decree; or the date of employment termination as evidenced by the spouse's employment termination notice.

The information required above must be submitted within sixty (60) days of the date of loss of insurance coverage. All other provisions of the state group insurance plan which are applicable to new employees shall apply to state employees for whom the late applicant requirements are waiver.

SECTION 2. Any state employee who would have qualified for waiver of late applicant requirements under this act due to the death, divorce or termination of a spouse which occurred prior to the effective date of this act shall have sixty (60) days from the date this act is communicated to state employees by the state insurance committee to apply for waiver of all late applicant requirements.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1403, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

(Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

A motion to reconsider was tabled.

Mr. Davis (Knox) moved that House Bill No. 1447 be placed on the Calendar for Wednesday, March 19, 1986, which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

570--Relative to honoring American Legion, 67th anniversary; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1410; with his approval

WILLIAM H. INMAN,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 289; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Joint Resolution No. 289.

RULES SUSPENDED

Mr. Gill moved that House Rule No. 49 be suspended for the purpose of considering the Consent Calendar which motion prevailed.

CONSENT CALENDAR

House Joint Resolution No. 571--Relative to honoring Dr. F. Irvin Hays.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

House Resolution No. 116--Relative to honoring Mrs. Jane Heathcott.

House Joint Resolution No. 569--Relative to proclaiming Police Memorial Week.

Senate Joint Resolution No. 265--Relative to sympathy, Dr. Amos Christie.

Senate Joint Resolution 266--Relative to congratulating Thomas C. Bartlett.

Senate Joint Resolution No. 267--Relative to congratulating Reba Brown.

Senate Joint Resolution No. 268--Relative to congratulating James Haslam.

Senate Joint Resolution No. 269--Relative to honoring Virginia B. Wright.

Senate Joint Resolution No. 283--Relative to congratulating Cordie Rainey Cook.

House Bill No. 2006--To create municipal court, Spring City.

House Bill No. 2008--To replace Charter, Mountain City.

House Bill No. 1985--To make certain provisions, cable television.

House Bill No. 1610--To regulate investments, certain financial institutions.

On motion, House Bill No. 1610 was made to conform with Senate Bill No. 1526.

On motion, Senate Bill No. 1526, on same subject, was substituted for House Bill No. 1610.

House Bill No. 1303--To make certain provisions, decedents' estates.

On motion, House Bill No. 1303 was made to conform with Senate Bill No. 1152.

On motion, Senate Bill No. 1152, on same subject, was substituted for House Bill No. 1303.

House Bill No. 1304--To regulate administration of trusts.

House Bill No. 1869--To provide for appointments to Elk River Development Agency.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

House Bill No. 1300--To amend Uniform Principal and Income Act.

On motion, House Bill No. 1300 was made to conform with Senate Bill No. 1380.

On motion, Senate Bill No. 1380, on same subject, was substituted for House Bill No. 1300.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 1178

Senate Bill No. 1178--To regulate procedures, sale of certain conveyances.

Mr. Starnes moved that the motion to reconsider Senate Bill No. 1178 be lifted from the table, which motion prevailed.

Mr. Starnes moved that the House reconsider its action in passing Senate Bill No. 1178 on third and final consideration, as amended, which motion prevailed.

Mr. Starnes moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Mr. Starnes moved that Amendment No. 1 be withdrawn, which motion prevailed.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1178 by deleting the words "first sentence" in the directory language of the original Section 3 and by substituting instead the words "second sentence".

AND FURTHER AMEND by inserting the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 40-33-107, is amended by deleting the final sentence of subpart (2) and substituting instead the following:

Subject to the provision of Section 40-33-110, the proceeds which inure to the local governing body under the provisions of this chapter shall be earmarked and used exclusively for law enforcement purposes in such county or municipality.

SECTION _____. Tennessee Code Annotated, Section 40-33-110, is amended by deleting from subsection (a) the words and punctuation "which seized the conveyance;" and substituting instead the words and punctuation "which seized the conveyance and shall be used exclusively for law enforcement purposes by such county or municipality".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1178, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --96.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Representatives voting no were: Chiles and Tankersley--2.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1216--To provide for presidential preference primary.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1216 in section 19 and section 20 by striking the words and figures (12:00 p.m.) and substituting the following: (12:00 noon).

Mr. Bragg moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	94
Noes	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representatives voting no were: Chiles, Clark (Sumner) and Swann--3.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1231--To exempt certain corporations from permit fees, public swimming pools.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1231 by deleting in SECTION 1 the language

"Section 501(c)(3) (26 U.S.C., Section 501(c)(3))"

and substituting the following:

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

"Section 501(c)(19) (26 U.S.C., Section 501(c)(19))"

and further amend by deleting SECTION 2 in its entirety and substituting the following:

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it."

Mr. Murray moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1289--To amend Retailers' Sales Tax Act.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1289 by renumbering Sections 3 and 4 thereof as Sections 4 and 5 and by adding thereto a new Section 3 as follows:

SECTION 3. Tennessee Code Annotated, Section 67-6-329 is amended by inserting the parenthetical "(including tobacco)" after the words "food or fiber" in subdivisions 4, 6, and 9 of subsection (a) thereof.

Mr. Hillis moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Ayes 97
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

291--Relative to congratulating Tension Envelope Corporation; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Gill moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 291 out of order, which motion prevailed.

Senate Joint Resolution No. 291--Relative to congratulating Tension Envelope Corporation.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Gill, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Davidson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 579 out of order, which motion prevailed.

House Joint Resolution No. 579--Relative to honoring Y.M.C.A. Night Law School--By Davidson, Brewer, Clark (Davidson), Jared and Murray.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Davidson, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Davidson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 580 out of order, which motion prevailed.

House Joint Resolution No. 580--Relative to honoring Dean Lackey--By Davidson, Clark (Davidson), Brewer, Jared and Murray.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Davidson, the resolution was adopted.

A motion to reconsider was tabled.

Ms. Hassell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 590 out of order, which motion prevailed.

House Joint Resolution No. 590--Relative to honoring historic community of Raleigh--By Hassell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. Hassell, the resolution was adopted.

A motion to reconsider was tabled.

BILL RECALLED

On motion of Ms. Duer, Senate Bill No. 374 was recalled from the Senate, for further consideration.

BILLS WITHDRAWN

On motion of Ms. Peroulas, House Bill No. 1342 was recalled from the Committee on Education.

On motion of Mr. Peroulas, House Bill No. 1342 was withdrawn from the House.

On motion of Mr. Crain, House Bill No. 1589 was recalled from the Committee on Conservation and Environment.

On motion of Mr. Crain, House Bill No. 1589 was withdrawn from the House.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

On motion of Mr. Crain, House Bill No. 1887 was recalled from the Committee on Labor and Consumer Affairs.

On motion of Mr. Crain, House Bill No. 1887 was withdrawn from the House.

On motion of Mr. Dixon, House Bill No. 1315 was recalled from the Committee on Labor and Consumer Affairs.

On motion of Mr. Dixon, House Bill No. 1315 was withdrawn from the House.

On motion of Mr. Stallings, House Bill No. 1850 was recalled from the Committee on State and Local Government.

On motion of Mr. Stallings, House Bill No. 1850 was withdrawn from the House.

On motion of Mr. Love, House Bill No. 240 was recalled from the Committee on Transportation.

On motion of Mr. Love, House Bill No. 240 was withdrawn from the House.

On motion of Mr. Whitson, House Bill No. 1500 was recalled from the Committee on State and Local Government.

On motion of Mr. Whitson, House Bill No. 1500 was withdrawn from the House.

On motion of Mr. Nance, House Bill No. 4 was recalled from the Committee on State and Local Government.

On motion of Mr. Nance, House Bill No. 4 was withdrawn from the House.

On motion of Ms. Pruitt, House Bill No. 1438 was recalled from the Committee on General Welfare.

On motion of Ms. Pruitt, House Bill No. 1438 was withdrawn from the House.

On motion of Mr. Darnell, House Bill No. 749 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Darnell, House Bill No. 749 was withdrawn from the House.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensfley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Mr. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 594 out of order, which motion prevailed.

House Joint Resolution No. 594--Relative to VA State Grant Cemeteries and State Home--By Hillis, Hurley, Moore, Ellis, Miller, Yelton, Robinson (Davidson) and Ussery.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hillis, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 572--Relative to memory, Mark Anthony McGowen--By Bell.

Under the rules, House Joint Resolution No. 572 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 573--Relative to honoring Willard Collins--By Cobb.

Under the rules, House Joint Resolution No. 573 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 574--Relative to honoring Lee Victory--By Bragg and Hobbs.

Under the rules, House Joint Resolution No. 574 was referred to the Committee on Calendar and Rules.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

House Joint Resolution No. 575--Relative to honoring Marshall Liggett--By Frensley.

Under the rules, House Joint Resolution No. 575 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 576--Relative to memory, Private Phillip Miller and Mrs. Rosie Miller--By Crain.

Under the rules, House Joint Resolution No. 576 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 577--Relative to honoring Bolton High School Drama Department--By Byrd.

Under the rules, House Joint Resolution No. 577 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 578--Relative to honoring "World's Biggest Fish Fry" Hostess Princess--By Ridgeway.

Under the rules, House Joint Resolution No. 578 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 581--Relative to honoring Nancy K. Haynes--By McNally and Henry.

Under the rules, House Joint Resolution No. 581 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 582--Relative to Claxton Community Day--By McNally and Wheeler.

Under the rules, House Joint Resolution No. 582 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 583--Relative to honoring Nancy Austin--By Dills.

Under the rules, House Joint Resolution No. 583 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 584--Relative to designating the Freed-Hardeman College Highway--By Tankersley and Stallings.

The Speaker referred House Joint Resolution No. 584 to the Committee on Transportation.

House Joint Resolution No. 585--Relative to creating task force on Alzheimer's disease--By Montgomery, Starnes, Patterson, Yelton, Hurley, McCroskey, Robinson (Washington), Harrill, DeBerry, Bell, Wolfe and Duer.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

The Speaker referred House Joint Resolution No. 585 to the Committee on General Welfare.

House Joint Resolution No. 586--Relative to congratulating Simon Glanton--By Bragg.

Under the rules, House Joint Resolution No. 586 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 271--Relative to congratulating Coach Don Grider and football team.

Under the rules, Senate Joint Resolution No. 271 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 273--Relative to congratulating Clarence Lowe.

Under the rules, Senate Joint Resolution No. 273 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 277--Relative to congratulating Doug Newman, wrestling coach.

Under the rules, Senate Joint Resolution No. 277 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 278--Relative to congratulating Mike Newman.

Under the rules, Senate Joint Resolution No. 278 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 279--Relative to congratulating Nell Rogers Grady.

Under the rules, Senate Joint Resolution No. 279 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 280--Relative to sympathy, Judge Thomas A. Shriver.

Under the rules, Senate Joint Resolution No. 280 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 282--Relative to congratulating Coach Ken Colquette and football team.

Under the rules, Senate Joint Resolution No. 282 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 284--Relative to congratulating Andrew "Andy" Roberts.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Under the rules, Senate Joint Resolution No. 284 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 285--Relative to congratulating James Timothy "Tim" McCarver.

Under the rules, Senate Joint Resolution No. 285 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 286--Relative to memory, Elwynn P. Rowan.

Under the rules, Senate Joint Resolution No. 286 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 2013--To regulate terms of office, certain county boards of education--By Hurley.

Passed first consideration.

House Bill No. 2014--To increase property tax rate, Trenton Special School District--By Davis (Gibson).

Passed first consideration.

House Bill No. 2015--To fix compensation, county attorney, Roane County--By Henry.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1375--To make certain designations, 29th Judicial District.

Passed first consideration.

Senate Bill No. 1509--To set certain provisions, peace officers.

Passed first consideration.

Senate Bill No. 1555--To set bidding requirements, certain general contractors.

Passed first consideration.

Senate Bill No. 1560--To make provisions, policies of certain insurance.

Passed first consideration.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

Senate Bill No. 1592--To regulate reciprocity, nursing home administrators.

Passed first consideration.

Senate Bill No. 1696--To regulate certain powers, Industrial Development Corporations.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2010--To authorize tax on lodgings, Lincoln County.

Passed second consideration and held without reference.

House Bill No. 2011--To authorize bond issue, certain highway construction.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 2012--To authorize bond issue, improving Highway 99.

Passed second consideration and referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

AGRICULTURE

MR. SPEAKER: Your Committee on Agriculture begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1523 (with amendment), 1862 (with amendment), 1870 (with amendment) and House Joint Resolution No. 471.

STALLINGS, Chairman.

Under the rules, House Bills Nos. 1523, 1862, 1870, and House Joint Resolution No. 471 were transmitted to the Committee on Calendar and Rules.

COMMERCE

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1531 (with amendment), 1596 (with amendment) and 1836.

MURRAY, Chairman.

Under the rules, House Bills Nos. 1531, 1596 and 1836 were

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

transmitted to the Committee on Calendar and Rules.

CONSERVATION AND ENVIRONMENT

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 145 (with amendment), 684 (with amendment), 1060, 1295 (with amendment), 1710, 1776 (with amendment), 1781 (with amendment), 1982 and House Joint Resolution No. 546 and further recommend that pursuant to House Rule No. 70, House Bill No. 145 be referred to the Committee on Finance, Ways and Means.

HILLIS, Chairman.

Under the rules, House Bills Nos. 684, 1060, 1295, 1710, 1776, 1781, 1982 and House Joint Resolution No. 546 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 145 to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 821 (with amendment), 1340, 1346, 1347, 1450, 1480, 1481, 1482, 1492, 1847 (with amendment), 1849, 1912, 1947, 1960 (with amendment), and House Resolution No. 111 and further recommend that pursuant to House Rule No. 70, House Bills Nos. 1450, 1482 and 1947 be referred to the Committee on Finance, Ways and Means.

WORK, Chairman.

Under the rules, House Bills Nos. 821, 1340, 1346, 1347, 1480, 1481, 1492, 1847, 1849, 1912, 1947, 1960 and House Resolution No. 111 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 1450, 1482 and 1947 to the Committee on Finance, Ways and Means.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1371, 1545, 1573, 1634 (with amendment), 1679, 1674, 1742 (with amendment), 1744, 1751 (with amendment), 1872 (with amendment), 1894 and 1971.

BRAGG, Chairman.

Under the rules, House Bills Nos. 1371, 1545, 1573, 1634, 1674, 1679, 1742, 1744, 1751, 1872, 1894 and 1971 were transmitted to the Committee on Calendar and Rules.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1147 (with amendment), 1206, 1229, 1284 (with amendment), 1612, 1725 (with amendment), 1726, 1778 (with amendment), and 1992 (with amendment) and further recommend that pursuant to House Rule No. 70, House Bills Nos. 1726 and 1778 be referred to the Committee on Finance, Ways and Means.

STARNES, Chairman.

Under the rules, House Bills Nos. 1147, 1206, 1229, 1284, 1612, 1725, and 1992 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 1726 and 1778 to the Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1209 (with amendment), 1212, 1213, 1301 (with amendment), 1306 (with amendment), 1550, 1563, 1614 (with amendment), 1640 (with amendment), 1703, 1704, 1712 (with amendment), 1714, 1734, 1748, 1764, 1765 (with amendment), 1790 (with amendment), 1796, 1879 (with amendment), 1933 (with amendment) and 1940; and House Joint Resolution No. 500 and further recommend that pursuant to House Rule No. 70, House Bills Nos. 1209, 1550, 1704, 1712, 1879, and 1933 be referred to the Committee on Finance, Ways and Means.

MURPHY, Chairman.

Under the rules, House Bills Nos. 1212, 1213, 1301, 1306, 1563, 1614, 1640, 1703, 1714, 1734, 1748, 1764, 1765, 1790, 1796 and 1940 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 1209, 1550, 1704, 1712, 1879 and 1933 to the Committee on Finance, Ways and Means.

LABOR AND CONSUMER AFFAIRS

MR. SPEAKER: Your Committee on Labor and Consumer Affairs begs leave to report that we have carefully considered and recommend for passage: House Bills No. 693, 1419 and 1530.

ELLIS, Chairman.

Under the rules, House Bills Nos. 693, 1419 and 1530 were transmitted to the Committee on Calendar and Rules.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and local Government begs leave to report that we have carefully considered and recommended for passage: House Bills Nos. 1165, 1316 (with amendment), 1335 (with amendment), 1459 (with amendment), 1466 (with amendment), 1486 (with amendment), 1501, 1516, 1579 (with amendment), 1600 (with amendment), 1711 (with amendment), 1741, 1755 (with amendment), 1771, 1880, 1930 (with amendment), 1939 (with amendment), 1945, 1949 and 2005 and further recommend that pursuant to House Rule No. 70, House Bills Nos. 1335, 1466, 1486, 1501, 1579, 1600, 1741 and 1949 be referred to the Committee on Finance, Ways and Means.

MILLER, Chairman.

Under the rules, House Bills Nos. 1165, 1316, 1459, 1516, 1711, 1755, 1771, 1880, 1930, 1939, 1945 and 2005 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 1335, 1466, 1501, 1579, 1600, 1741 and 1949 to the Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1871, 1938 (with amendment); and House Joint Resolution No. 496 and further recommend that pursuant to House Rule No. 70, House Bill No. 1938 be referred to the Committee on Finance, Ways and Means.

ROBINSON (Davidson), Chairman.

Under the rules, House Bill No. 1871, and House Joint Resolution No. 496 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 1938 to the Committee on Finance, Ways and Means.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, March 13, 1986: House Bills Nos. 1676, 1677, 1539, 1766, 1380, 1916, 1970, 1694, 1687, 1337, 1889, 1803, 1435, 1237, 1524, 239, 1328, 1551, 1305 and 1382.

GILL, Chairman.

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

LOCAL BILL REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 1277.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: Your officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, March 13, 1986: House Bill No. 1874, House Joint Resolutions Nos. 572, 573, 574, 575, 576, 577, 578, 581, 582, 583, 586; Senate Joint Resolutions Nos. 271, 273, 277, 278, 279, 280, 282, 284, 285, 286,; and House Bill No. 1277.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 333, 1304, 1345, 1403, 1554 and 1799; and House Joint Resolution No. 579, 580 and 591; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 821--Henry

House Bill No. 1147--Montgomery, Yelton

House Bill No. 1182--Work

House Bill No. 1190--Love

House Bill No. 1193--Love

House Bill No. 1305--Love

House Bill No. 1327--Love, Drew, DeBerry, Dixon, King, Pruitt, Turner, L. (Shelby)

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

House Bill No. 1354--Love

House Bill No. 1550--Drew, Pruitt, Hawkins, Miller, Duer

House Bill No. 1581--Love

House Bill No. 1626--Cross

House Bill No. 1659--Love

House Bill No. 1776--Bewley

House Bill No. 1806--Love

House Bill No. 1816--Love

House Bill No. 1825--Darnell

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1327, 1510, 1511, 1798, 1820, 1869, 1904, 1985, 2006 and 2008; and House Joint Resolutions Nos. 569, 571, 590 and 594; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 374.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1142--To require testing of blood for AIDS;

1304--To make provisions, small trusts, certain courts;

1379--To provide services for the mentally ill;

1409--To provide for repurchase of obsolete inventory;

WEDNESDAY, MARCH 12, 1986--79th LEGISLATIVE DAY

1739--To make certain provisions, industrial loan and thrift companies; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1257, 1621 and 1990; also, House Joint Resolutions Nos. 545, 549 and 550; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

579--Relative to honoring Y.M.C.A. Night Law School;

580--Relative to honoring Dean Lackey, Y.M.C.A. Night Law School; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1170--To amend limitation of actions, certain products;

1312--To provide disclaimer, certain property;

1335--To define domestic life insurance company;

1427--To set safety regulations, certain motor vehicles;

1459--To regulate health maintenance organizations; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 9:00 a.m. tomorrow.